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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,462	02/24/2004	Michael Edward Thornton	THORNTON.UTL	8571
21590	7590	10/19/2004	EXAMINER	
HINKLE & O'BRADOVICH, LLC 295 CULVER STREET SUITE A LAWERENCEVILLE, GA 30045			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,462

Applicant(s)

THORNTON ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 12 line 5, " 2100" should be --210--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Byrd (5,377,074).

Byrd discloses:

Regarding claim 1, an electric meter box 25 having a meter base and a meter connected to the meter base (see fig 1, column 3 lines 45-50);

a meter base bracket 22' having a generally planar surface and a first generally rectangular side wall connected generally perpendicular to a first side of the planar surface and a second generally rectangular side wall connected to a side opposite for the first side and in a generally parallel orientation to the first rectangular side wall (see fig 7);

wherein the meter base bracket is connected to a rear wall of the meter base (see fig 6).

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Regarding claim 2, further comprising one or more holes located along the planar surface and aligned with corresponding holes on the rear wall of the meter base (see figs 6-7, column 5 lines 5-15).

Regarding claim 3, further comprising a feed-through conduit 30 located on the planar surface (see fig 1) and adapted to receive wires connected between the meter and an interior location on a dwelling (see fig 1). In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchison, 69 USPQ 138.

3. Claims 8 -10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Byrd (3,879,641).

Byrd discloses:

Regarding claim 8, an electric meter box connection apparatus, comprising:

an electric meter box 120 having a meter base and a meter 122 connected to the meter base(see fig 4);a meter base bracket 12 having a lower bracket 40 (near element 16, see fig 2) in a telescopic arrangement with an upper bracket 40 (near element 10,see fig 2); wherein the meter base bracket is connected to a rear wall of the meter base (see fig 1).

Regarding claim 9, wherein- each of the lower and upper brackets comprise:

two side walls 50 that are generally oriented parallel and in opposition to each other (see fig 2); and a cross bar 46 connected generally perpendicular to each of the side walls (see fig 2).

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Regarding claim 10, wherein the sidewalls of the upper bracket and in a telescopic arrangement with the sidewalls of the lower bracket (see fig 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4-5 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Byrd (5,377,074).

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Regarding claim 4, the assembly of Byrd disclose all the features of the claimed invention as shown above, including holes (see fig 7), but fails to disclose wherein the side walls further include a plurality of holes adapted to receive connection devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide side walls with any number of holes , since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re. Hutchison*, 69 USPQ 138.

Byrd discloses:

Regarding claim 5, an electric meter box (see fig 1) connection system, comprising:

one stud 12' located within a dwelling (see fig 7), the stud being oriented generally vertical (see fig 1) and parallel to each other; an electric meter box 25 having a meter base and a meter connected to the meter base (see fig1, column 3 lines 45-50); a meter base bracket 22' connected between the stud having a first generally planar surface and a generally rectangular side wall connected generally perpendicular to a first side of the planar surface and a second generally rectangular side wall connected to a side opposite for the first side and in a generally parallel orientation to the first rectangular side wall (see fig 7);

wherein the meter base bracket is connected to a rear wall of the meter base (see fig 6), but fails to disclose an additional stud and the studs being parallel to each other. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of studs , since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. It is noted that the modified assembly of Byrd meet the structural limitations.

5. Claims 11-12 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Byrd (3,879,641).

Byrd discloses:

Regarding claims 11-12, the assembly of Byrd disclosed all the features of the claimed invention including stud 12, but fails to disclose two studs, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of studs , since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. with respect to wherein the lower bracket is connected between two adjacent studs of a dwelling (for claim 11), and wherein the upper bracket is moveable with respect to the studs and to the lower bracket (for claim 12). It is noted that the modified assembly of Byrd meet the structural limitations.

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Allowable Subject Matter

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claims 6-7 are the inclusion therein, in combination as currently claimed, of the limitation of an electric meter box connection apparatus, comprising: an extension having a generally rectangular hollow housing and a planar front surface and a rear surface wherein the meter base bracket is connected to rear surface of the extension and wherein the front surface of the extension is connected to a rear wall of the meter base (for claims 6-7).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. M.J. Lewis disclose a meter box similar to applicant's claimed invention.

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel
Primary Examiner
Group Art Unit 2831
October 18, 2004


DHIRU R. PATEL
PRIMARY EXAMINER
10/18/04.